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*Attorney for Dean Anthony Carter*

**UNITED STATES DISTRICT COURT**

## DISTRICT OF NEVADA

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## **FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds:

1. Defendant's current counsel was recently appointed to represent Defendant, on April 5, 2018.
2. Defense counsel requires time to review the lengthy transcript from the subject evidentiary hearing, meet with Defendant to discuss issues and prepare the Objections to the Report and Recommendation.
3. The evidentiary hearing transcript was filed on April 17, 2018.
4. Defendant Carter is currently in custody and has no objection to the continuance.

5. Defense counsel has spoken to AUSA Phillip N. Smith, Jr., and he has no objection to the continuance of the briefing schedule.
6. The additional time requested herein is not sought for purposes of delay.
7. Denial of this request for a continuance would deny counsel for the defendant sufficient time, to effectively and thoroughly prepare and submit pretrial motions and notices of defense, taking into account the exercise of due diligence.
8. Additionally, denial of this request for continuance could result in a miscarriage of justice.

This is the first request to extend this briefing schedule.

## **CONCLUSION OF LAW**

The ends of justice served by granting said continuance outweigh the best interests of the public and the defense in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the defendant sufficient time to prepare Objections to the Report and Recommendation in this matter.

111

## **ORDER**

IT IS THEREFORE ORDERED that Defendant shall have until May 14, 2018, to file Objections the Magistrate Judge's Report and Recommendation (Dkt. 69).

DATED AND DONE this 23rd day of April, 2018.

Howard D McRabb

**UNITED STATES MAGISTRATE JUDGE**